

**United States District Court
Northern District of Indiana**

WILLIAM E. SCANLIN,

Plaintiff,

V.

PROFESSIONAL RECOVERY
SERVICE,

Defendant.

Civil Action No. 3:08-CV-351 JVB

ORDER

On October 16, 2008, Plaintiff, William E. Scanlin, filed a claim in La Porte County Superior Court. Defendant, Professional Recovery Services, removed the case to this Court on November 17, 2008. On December 11, 2008, Magistrate Judge Christopher A. Nuechterlein ordered both parties to file status reports by December 29, 2008. Neither party complied with the order. Accordingly, on January 6, 2009, Judge Nuechterlein issued an order to show cause directing the parties to submit separate status orders by January 30, 2009, and to explain why the case should not be dismissed for failure to prosecute the claim. On January 7, 2009, Defendant filed its status report. As of February 2, 2009, however, Plaintiff had not responded to Judge Nuechterlein's orders, despite a warning pursuant to *Timms v. Frank*, 953 F.2d 281, 285-86 (7th Cir. 1992) and *Lewis v. Faulkner*, 689 F.2d 100 (7th Cir. 1982), that failure to do so might result in a dismissal of Plaintiff's case. Judge Nuechterlein then issued a recommendation that the case be dismissed without prejudice, notifying the parties that within ten (10) days after being served with a copy of the recommended disposition they could serve and file objections pursuant to Federal Rule of Civil Procedure 72(b). No objections have been

filed. Under Federal Rule of Civil Procedure 41, a plaintiff's case may be dismissed for his failure to prosecute his claim or to comply with court orders. Plaintiff has failed to comply with two court orders without excuse. Accordingly, this case is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED on April 3, 2009

s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen
United States District Judge
Hammond Division